

## Greenman & Manz

A Partnership of Professional Associations  
Attorneys At Law

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October 4, 2006

Ms. Nicole Petrick  
Planning Commission Coordinator  
Marathon Government Center  
2798 Overseas Highway  
Marathon FL 33050

RE: Swift Variance set for October 11

Dear Nicole,

David Swift has retained me to represent him on the variance to his property at Mile Marker 22.8, Cudjoe Key. Because there were only four commissioners at that meeting on September 13, the Planning Commission postponed the matter to October 11.

Yesterday, I visited the property and I believe it is possible to modify the variance request to achieve staff approval. I reached out to Ms. Beckmann, but as of the date of the writing of this letter, and your noon deadline for the October 11 Planning Commission meeting (today), I have not yet spoken to her about the variance, amending the application, or her staff report to determine if the county's interests, and the applicant's, can be reconciled to a mutually satisfactory result.

In addition to not having the necessary information to provide for the October 11 Planning Commission meeting, I have a very important and lengthy series of motions before Judge Garcia in Plantation Key on October 11. I am enclosing copies of the notices of hearing filed by myself and co-counsel in that matter. I anticipate those hearings to go on for most of the morning, and possibly into the afternoon. I will be unable to attend the October 11 Planning Commission hearing.

I am hopeful that I will have spoken to Ms. Beckman by October 11 (or, if she has not had her baby by then, another planner) and they will be able to report to you that progress has been made towards achieving a satisfactory resolution of Mr. Swift's

variance application. Nevertheless, in light of the circumstances, I must respectfully requests another continuance of the Swift variance. I appreciate your many courtesies to me and hope that this request will not unreasonably inconvenience you, or the Planning Commission.

Respectfully,

A handwritten signature in black ink, appearing to be 'F. Greenman', with a long horizontal line extending to the right.

Franklin D. Greenman

FDG/fdg  
cc. David Swift  
all Planning Commissioners

IN THE CIRCUIT COURT FOR THE 16<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR MONROE COUNTY, FLORIDA

ROBERTS P. WHITE,

Plaintiff,

vs.

CASE NO.: 44-2002 -CA-330-P

JUDGE: LUIS M. GARCIA

DAVID BUCKWALTER,  
ETHYL BUCKWALTER  
and HENRY FINCK,

Defendants

**RE-NOTICE OF HEARING**  
(Special Set)

PLEASE TAKE NOTICE that the undersigned attorney will bring on for hearing:

**DEFENDANT'S, HENRY FINCK, MOTION FOR FINAL SUMMARY JUDGMENT**

before the Honorable Luis M. Garcia, at the Plantation Key Governmental Center, 88820

Overseas Highway, Tavernier, Florida, on **Wednesday, October 11, 2006, at 9:00 a.m.**, or as

soon thereafter as can be heard.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Theresa Westerfield, Court Administrator, Courthouse Annex, 500 Whitehead Street, Key West, FL 33040, phone number (305) 292-3423, within 2 working days of your receipt of this notice; if you are hearing or voice impaired, call 1-800-955-8771.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded via U.S. Mail and Facsimile to: Andrew M. Tobin, Esq., *Attorney for Plaintiff*, P.O. Box 620, Tavernier, Florida 33070 and Franklin D. Greenman, Esq., GREENMAN & MANZ, *Attorney for Buckwalter*, 5800 Overseas Highway, Suite 40, Marathon, Florida 33050 on this 24<sup>th</sup> day of August, 2006.